

SENATE BILL 221

Unofficial Copy
A2

2004 Regular Session
4r1996
CF 4r0734

By: **Senators Exum, Britt, Currie, Giannetti, and Lawlah**
Introduced and read first time: January 28, 2004
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable
Senate action: Adopted
Read second time: March 3, 2004

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County - Wine Consumption - Continuing Care Retirement**
3 **Communities**

4 FOR the purpose of allowing, under certain circumstances, residents and their guests
5 in a continuing care retirement community in Prince George's County that holds
6 a Class C (on-sale) beer, wine and liquor license to consume wine not purchased
7 from the continuing care retirement community; and generally relating to
8 alcoholic beverages in Prince George's County.

9 BY repealing and reenacting, with amendments,
10 Article 2B - Alcoholic Beverages
11 Section 12-107(b)
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 2B - Alcoholic Beverages**

17 12-107.

18 (b) (1) It shall be unlawful for any person to drink on the licensed premises
19 of any license holder any alcoholic beverages not purchased from the license holder on
20 said premises and not permitted by this article to be consumed on the premises; and
21 it shall be unlawful for any license holder to permit any person to drink any alcoholic
22 beverage not purchased from the said license holder on the premises covered by the

1 license which he holds and not permitted by this article to be consumed on the
2 premises.

3 (2) This subsection does not apply to special or temporary licenses in
4 Carroll County.

5 (3) This subsection does not apply to licenses issued under § 7-101(k) of
6 this article for a dance or social event:

7 (i) Advertised as being "bring your own" (BYO); or

8 (ii) Held on the premises of the licensee by a member or by a guest
9 of a member of the club, fire department, or other organization which is licensed.

10 (4) Paragraph (1) of this subsection does not apply in Howard County to
11 dances, weddings, fundraisers, or other social events held in a hall that is rented from
12 and is located on the premises of a veterans organization which is licensed under this
13 article. However, the veterans organization may not sell or otherwise provide
14 alcoholic beverages to the attendees of the dance, wedding, fundraiser, or other social
15 event.

16 (5) Notwithstanding any other provision of this article, paragraph (1) of
17 this subsection does not apply to a Class 4 limited winery which brings wine
18 manufactured on its licensed premises onto a retail licensed premises under the
19 following conditions:

20 (i) The product is being provided for a bona fide promotional
21 activity conducted by the limited winery, retail licensee, alcoholic beverages trade
22 association, or nonprofit organization;

23 (ii) A representative of the limited winery, or a trade association
24 representing Maryland wineries, is present at all times during the period of the
25 promotional activity;

26 (iii) Any unopened or partially consumed containers of wine are
27 removed from the retail licensed premises at the conclusion of the promotional
28 activity;

29 (iv) The limited winery or winery trade association complies with
30 any rules or regulations promulgated by the Comptroller pertaining to on-premise
31 promotions and product sampling; and

32 (v) The limited winery or winery trade association has the advance
33 written permission of the retail licensee to bring wine products on the retail licensed
34 premises for purposes of the promotional activity.

35 (6) This subsection does not apply to:

1 (i) Special licenses issued in St. Mary's County to any bona fide
2 religious, fraternal, civic, veterans, hospital, or charitable organization under §
3 7-101(r) of this article; or

4 (ii) A license issued in St. Mary's County that applies to an outdoor
5 motor sports facility that is located in Mechanicsville or Budds Creek.

6 (7) THIS SUBSECTION DOES NOT PREVENT RESIDENTS AND THEIR
7 GUESTS IN A CONTINUING CARE RETIREMENT COMMUNITY IN PRINCE GEORGE'S
8 COUNTY THAT HOLDS A CLASS C (ON-SALE) BEER, WINE AND LIQUOR LICENSE FROM
9 CONSUMING WINE NOT PURCHASED FROM THE CONTINUING CARE RETIREMENT
10 COMMUNITY, IF:

11 (I) THE WINE IS CONSUMED WITH A MEAL IN THE DINING ROOM;
12 AND

13 (II) THE CONTINUING CARE RETIREMENT COMMUNITY:

14 1. IS OPERATED BY A NONPROFIT ORGANIZATION FOR THE
15 CONTINUING CARE RETIREMENT OF PERSONS AT LEAST 60 YEARS OLD;

16 2. HAS BEEN INCORPORATED FOR AT LEAST 1 YEAR;

17 3. HAS OBTAINED A CERTIFICATE OF REGISTRATION FROM
18 THE STATE DEPARTMENT OF AGING UNDER ARTICLE 70B, § 11 OF THE CODE; AND

19 4. PREPARES AND SERVES MEALS DURING REGULAR
20 OPERATING HOURS TO RESIDENTS AND THEIR GUESTS.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 June 1, 2004.